

Case 1:22-cv-05112-VEC-SLC

Filed 10/13/23.

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Hon. Sarah L. Cave
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 1670
New York, New York 10007

Re: Ali Salem v. New York University, et al; Case No. 1:22-cv-05112

Dear Magistrate Judge Cave:

This is quite unfortunate for the defendants' attempts to avoid their consequences and, instead, block the relevant and new evidence to the case. These actions truly highlight the difficulties I've faced over the past four years in dealing with them, which has culminated in a lawsuit against them. Rather than apologizing for their wrongdoing, offering a meaningful settlement that resolves the situation, they are trying to justify their position.

Reflecting on the case, the defendants failed to serve me by mail and email regarding the REPLY MEMORANDUM OF LAW in Support of the MOTION to Dismiss, which they filed on 11/04/22 (ECF Doc. No. 20). The ECF is supposed to send email updates for the case, but I never received any. It took longer than usual to set up my account in the system because I didn't receive any notifications about updates from the ECF system. Perplexed by the situation, I personally visited the Pro Se office twice in Dec 2022 and Feb 2023 to inquire about the case. They informed me that everything is taken care of once the system updates, I should receive an email. I finally got the first email from the system on 04/28/23 (ECF Doc. No. 21), but it ended up in my spam folder. Unfortunately, this occurred during the midst of the semester when I was fully busy with exams and projects, so I didn't check my spam folder. As a result, I missed the opportunity to submit an opposition to the REPORT AND RECOMMENDATIONS (ECF Doc. No. 22), partly due to the system's delayed update. This situation worked to the defendant's advantage, allowing them to save on legal costs and fees that they would have incurred if they had responded to my official opposition letter and led to their favorable judgment in this case.

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The new allegation stems from my email exchange with the counselor regarding the NSF funding situation that arose after the FAC. Their counselor was reluctant to answer the email and phone inquiries. The defendant's failure to respond to emails and address the settlement offer made after the FAC led to the new allegations against them in the SAC. It's truly unfortunate that they refuse to take responsibility for their actions and instead shift the blame to the plaintiff.

There is no justification for me having to bear their legal costs and fees, especially considering the significant damage that has been done to enforced discontinuation of my studies through harassment, cutting access to my personal properties and confiscation of my personal and intellectual properties for more than the 3-and-a-half-year period.

In the case of F.A., the issue doesn't revolve around a visa but rather his ability to commence his semester five weeks after the classes began that happened recently and I noticed after the FAC. This opportunity, which was not granted to the Plaintiff during the middle of the third semester, is what's under consideration.

NYU operates as an academic institution governed by its employees. Therefore, any action taken by its employees is considered an action by NYU and should be included in the complaint. However, I acknowledge the limitations within my ability to not include seeking an injunction in the SAC.

I attached and sent two files, namely, "memo.pdf" and "proposed second amend c.pdf," to the designated pro-se email on 10/11/23. Unfortunately, the Pro Se office only filed the "proposed second amend c.pdf". I respectfully request you to notify them regarding attaching missing files, the leave to amend and propose the Second Amended Complaint (SAC) to address this issue.

For the foregoing reasons, I respectfully request an opposition to their motion for conference to Strike Plaintiff's proposed SAC from the docket.

Thank you for your consideration.

Very truly yours,
Ali Salem, Pro Se